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SB 22 Talking points

Sponsored by Jill Cohenour

By request of the Board of Social Work Examiners and Professional Counselors

- This Board licenses Master's Level Psychotherapists. It is expedient and helpful to licensees and the public to rename the current name of the board to The Board of Behavioral Health because the existing title does not reflect all current (or potential future) licensure categories that are governed by the board. For example, the board currently has oversight of Licensed Clinical Social Workers (LCSW's), Licensed Clinical Professional Counselors (LCPC's) and Licensed Marriage and Family Therapists (LMFT's), but the current title doesn't reflect LMFT's. As the industry of psychotherapy evolves and more license categories are added, the name needs to reflect the professionals it governs. Currently the term "behavioral health" is a nationally understood term to reference mental health treatment services.
- "Persons seeking licensure" is a specific category of psychotherapist, or "therapist." They are persons who have obtained the academic level required of the license they are seeking and are currently practicing psychotherapy under the license and liability of a Qualified Licensed Clinical Supervisor. Those therapists must complete 3,000 hours of supervised work experience under another licensed therapist's oversight prior to being allowed to seek their own, independent, license as a psychotherapist. The average process can takes from 2-5 years.
- Creating a registry of persons seeking licensure in the field of mental health therapy services, or "behavioral health" is necessary for these reasons:
 - **Currently they are currently unregulated (until licensed) and there is no way to assure the safety of the public. SB 22 provides safety to the public through finger printing, background checks and review of their qualifications through the application process.** Currently, licensure candidates are not required to verify their qualifications or have fingerprinting or background checks done prior to serving the public. The process of registration will include assurance that the Licensure Candidate has adequate education, has had their background and fingerprints checked, has submitted verification that they are of good moral character, and has an approved supervision plan. SB22 assures that Licensure Candidates are following the same basic standards that currently licensed therapists are required to follow, rather than waiting to assure the public of those criteria after the person has been serving the public for 2-5 years.
 - **Persons seeking licensure as a licensed therapist in any category currently will be identifiable and locatable.** When there are rule changes that relate to the provision of psychotherapy or clinical supervision, it is currently impossible to communicate with all of those therapists who are in the process of completing supervised work experience. Once registered, they can be promptly informed of proposed and adopted rule changes relating to the provision of psychotherapy. Without being registered, this

process of assuring compliance can take up to 5 years for those who are currently in the process of accruing supervised work experience.

- The registry would prevent licensure candidates from circumventing the timeline and process by identifying them in the beginning and tracking their progress. Licensure Candidates would be unable to “start over” with a new clinical supervisor without informing the next clinical supervisor about a previous placement or if the licensure candidate departed the agency or relationship unfavorably. The next clinical supervisor would be aware that there were previous placements or problems and that the licensure candidate has been providing care previously under a different clinical supervisor.
 - Also, many licensure candidates are seeking continuing professional education during their tenure as a licensure candidate. However, it is very difficult to inform that group of therapists about continuing education opportunities because entities who provide those courses often only market to licensed therapists. Having access to ongoing continuing education assures that the licensure candidate can continue their education and develop specialization in various modalities while accruing clinical supervisory work hours.
- **Clinical Supervisors can be assured that the therapists they are supervising have been screened by at least the basic safety measures and have sufficient Master’s Level education.** A therapist seeking licensure cannot obtain licensure without the support of a Qualified Licensed Clinical Supervisor. While the number of Qualified Licensed Clinical Supervisors has increased over the last several years, there can still be a reluctance to become one. Due to the liability that the Licensed Clinical Supervisor must assume, there is sometimes a reluctance to become a Qualified Licensed Clinical Supervisor. By creating a registry with the conditions listed, more licensed therapists would likely be willing to become a Qualified Licensed Clinical Supervisor knowing that the initial safety and security screening provided through the process has been completed. (A “Qualified Licensed Clinical Supervisor” is a licensed therapist who has been licensed for three years or has taken a board approved clinical supervision course consisting of one semester credit of graduate education or 20 clock hours of board-approved training in clinical supervision.)
 - **Licensure Candidates can be assured that they are working under a Qualified Licensed Clinical Supervisor.** Often Clinical Supervisors and licensure candidates don’t familiarize themselves with all of the details of what is required for Licensure Candidates until they are in the middle or at the end of the process. The requirements to become a Qualified Licensed Clinical Supervisor changed over the last few years and there are still several Clinical Supervisors and Mental Health Center agencies who are unfamiliar with the requirements – despite being informed of the changes through Rule Adoption Notices. The registry will assure that everyone is informed of the requirements for BOTH Licensure Candidates and Qualified Licensed Clinical Supervisors.
 - **SB 22 will improve the process of licensure. Currently there is a severe shortage of therapists across the country and Montana is experiencing this shortage.** The shortage of therapists is causing a delay in the provision of mental health therapy due to increased waiting lists with existing therapists and within agencies that provide this care for the citizens of Montana. The stigma of mental health can be a barrier to recruiting the workforce for providing mental health therapy services. Having a registry with the qualifying steps involved adds a level of professionalism and integrity to the role. The assurances that the registry provides for licensure candidates also improves their marketability to agencies who can sponsor their work into licensure and also communicates to the public that therapist licensure candidates have been evaluated for their worthiness to provide mental health therapy.
 - **SB 22 assures that potential Licensure Candidates are fully informed of all requirements – including the required number of graduate school credits necessary to be eligible to apply for licensure.** Unfortunately, some graduate schools do not provide sufficient graduate level credits in their degrees to

qualify as an LCPC licensure candidate. Referred to as a "skinny Master's", these master's level graduates must take additional graduate courses (after they obtain their master's degree) in order to qualify as a Licensure Candidate. Unfortunately, many licensure candidates do not check on this requirement until they apply for licensure and discover that their Master's degree in an affiliated field did not provide them with sufficient graduate level courses. They are under the misperception that they qualify to apply to be licensed because they have a Master's degree, but they do not. At that point they must acquire the additional credits which are very difficult to find and are often expensive. SB 22 would assure that the licensure candidate is informed of the academic requirements for eventual licensure and would inform them of their options and how to obtain those extra credits.

- The registry will require compliance with all standards applicable to their licensure category at the beginning rather than at the time of application for licensure. Currently, licensure candidates are not required to comply with the standards for their licensure category that they are working toward until licensure. The assurance of compliance currently is the responsibility of the qualified clinical supervisor as does the liability of any lack of compliance or misdeeds. By requiring compliance with the standards at the beginning of their clinically supervised work experience, licensure candidates and their supervisors will have clear guidelines that provide direction in their work in addition to the existing professional ethics standards that currently apply only to the qualified clinical supervisor. The requirement of compliance to standards will enhance the development of the licensure candidate throughout their process. A better informed Licensure Candidate and Clinical Supervisor who begin their relationship with this knowledge will further protect the public.
- The registry provides for the board to sanction or discipline, or require restrictions on licensure candidate services prior to licensure. This provides another layer of safety for the public and the clients whom the licensure candidates are serving. Currently, there is little ability to sanction, discipline or to apply restrictions exists until full licensure. All liability for improper or unethical treatment by a licensure candidate is currently borne by the clinical supervisor under whose license the licensure candidate operates. By allowing the licensing board to sanction, discipline and apply restrictions for licensure candidates, problems in treatment provision can be acknowledged, addressed, managed and remedied through the oversight of the licensing board. This gives the public a venue to hold the licensure candidate personally responsible for providing ethical and professional behavior at all times.
- A registry provides the board with ability to deny a license or issue a probationary license to applicants based on conduct as a licensure candidate. A registry provides the board with the ability to better track and respond to problematic conduct of a Licensure Candidate during the process of their time accruing hours toward licensure. Currently the board cannot discipline a Licensure Candidate and must wait until that person submits an application for licensure.

Thank you for your consideration of SB22. I am always happy to be available to answer questions or to discuss any of these points.

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